

and to provide penalties for violation of the laws and of the rules and regulations of the Live Stock Sanitary Commission, prohibiting the movement of live stock and the prevention of the spread of contagious diseases, and for violation of the quarantine rules and regulations of the Livestock Sanitary Commission, and declaring an emergency,"

And find it correctly engrossed.
COFER, Chairman.

Austin, Texas, Aug. 25, 1911.
Committee Room,
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 51, A bill to be entitled "An Act to empower the county commissioners court of Galveston county to divide Bolivar Peninsular into public free school districts of less than nine square miles area, and to divide the present public free school district No. 9 into not more than two public free school districts, and declaring an emergency,"

And find it correctly engrossed.
COFER, Chairman.

Committee Room,
Austin, Texas, Aug. 25, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 66, A bill to be entitled "An Act creating an Independent School District in the counties of Lavaca, Colorado, Wharton and Jackson, State of Texas, and declaring an emergency,"

And find it correctly engrossed.
COFER, Chairman.

Committee Room,
Austin, Texas, Aug. 25, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 64, A bill to be entitled "An Act to amend the charter of the City of Temple, Bell county, Texas, and declaring an emergency,"

And find it correctly engrossed.
COFER, Chairman.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
Saturday, Aug. 26, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Bryan.	Perkins.
Carter.	Paulus .
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Astin. Hume.

Absent—Excused.

McNealus. Willacy.
Ratliff.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield the same was dispensed with.

See Appendix for standing committee reports.

SENATE BILL NO. 11—FREE CONFERENCE COMMITTEE REPORT ON.

Austin, Texas, Aug. 26, 1911.
To the Hon. A. B. Davidson, President of the Senate, and Hon. Sam Rayburn, Speaker of the House of Representatives.

We, your committee appointed to consider in Free Conference Senate bill No. 11, which was by the House substituted with House bill No. 13, report that we recommend that Senate bill No. 11 do not pass, but that

the committee substitute filed herewith do pass.

WARD,
MEACHUM,
TERRELL of Wise,
STURGEON,
HUDSPETH,
On Part of the Senate.
HANEY,
BUFFINGTON,
MANGUM,
McDOWRA,
YARBROUGH,
On Part of the House.

The above report was read and, on motion of Senator Ward, adopted by the following vote:

Yeas—24.

Adams.	Peeler.
Bryan.	Perkins.
Carter.	Real.
Cofer.	Sturegon.
Collins.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Mayfield.	Ward.
Meachum.	Warren.
Murray.	Watson.
Paulus.	Weinert.

Nays— 2.

Greer. Lattimore.

Absent.

Astin. Hume.

Absent—Excused.

McNealus. Willacy.
Ratliff.

Following is the report of the committee in full:

F. C. C. S. for S. B. No. 11.

A BILL
To Be Entitled

An Act to provide for the adoption of a system of uniform text books in this State, and the appointment of a text book board for such purpose; to authorize the adoption of other books; and to provide for a board of revision to keep the adopted books revised and up-to-date; to prohibit lobbying before the text book board by legal and special repre-

sentatives of authors or publishers; to prescribe rules and regulations for the board in entering into contracts on behalf of the State; to prescribe penalties for violations of the provisions of this Act; to provide for the enforcement of contracts entered into, and to make an appropriation to carry into effect the provisions hereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The president of the College of Industrial Arts, the president of the University of Texas and the State Superintendent of Public Instruction, acting together as a committee, and in case of the failure or refusal to act of any person herein named as a member of said committee, the remaining members of said committee, as herein designated, shall have authority to act, and in case of the failure or refusal to act of two or more members of said committee the vacancy shall be filled by the Governor, and shall, at such time after this Act takes effect as will in their opinion best insure the proper accomplishment of its purposes, and not later than August 1, 1912, submit under seal and cover the names of thirty teachers of recognized scholarship and professional standing, five of whom shall be primary teachers of recognized ability, who have been actively engaged in the school work of this State for the past three years, to the Governor of the State of Texas, from which list the Governor shall, not later than August 15, 1912, appoint nine teachers, one of whom shall be a primary teacher, and they, together with the Governor and State Superintendent of Public Instruction, shall be constituted the State Text Book Board, of which the Governor shall be chairman and the Superintendent of Public Instruction shall be secretary. It shall be the duty of said board, when called together by the Governor for that purpose, to select and adopt text books not later than November 1, 1912, under the provisions of this Act, for the use of the public schools of this State for a period of six (6) years, beginning September 1, 1913. The members of said board shall hold their office for two years from the date of their appointment. No person who has acted as a text book agent for any author or publishing house, or who has been

an author or associate author of any book published by any house, or who has directly or indirectly been concerned in the authorship of any text book, shall be eligible to appointment on the text book board, and before entering upon the discharge of their duties each member of such board shall make an affidavit in writing to be kept by the Secretary of State that he is not financially interested in the sale or selection, either directly or indirectly, of any text book and that he has no relative who is so interested in the sale or selection of the same. Any vacancy occurring upon said board from any cause at any time shall be filled by appointment by the Governor from a list containing five times as many names as there are vacancies to be filled, said list being composed of persons possessing the qualifications above described, and being submitted to the Governor under seal and cover, by the president of the College of Industrial Arts, the president of the University of Texas, and the State Superintendent of Public Instruction, acting together as a committee, on a date to be named by the Governor. The board shall meet at such times and places as may be designated by the Governor, and it shall adopt such rules and regulations for the transaction of its business as it may deem proper, not contrary to the provisions of this Act, provided that no legal representative or temporary employee or other special agent employed by any author or publisher shall be allowed to present the merits of a book to the members of this board, individually or collectively, and any contract entered into by said board when so represented shall be void; but the board may allow the authors of books or the publishers or any regular or permanent employe to appear before the board and represent the merits of books when such board is in session and not otherwise, and under such restrictions and regulations as are provided by the State Text Book Board and are in accord with the provisions of this Act.

Sec. 2. Each individual, firm or corporation submitting bids to the board for its consideration, or presenting books for adoption under the provisions of this Act, shall file with the Secretary of State an affidavit giving the names of all people employed to aid in any way whatsoever

in securing the contract, and that no member of the board is in any manner interested, directly or indirectly, in such individual, firm or corporation. If the fact should be disclosed that any member of the board is so interested, it shall work a disqualification of such member of the board and he shall not be permitted to serve on the board, or if it should further be disclosed that any member of the board is or has been interested in any book or series of books as the author or associate author, or that any such member of the board is related directly or indirectly to any person who is author or associate author or in any way pecuniarily interested in any book or series of books published by any house bidding for this contract, or offered for use in the public schools of this State, or that any member of the board is interested in any such book or series of books in any manner, such fact shall likewise work as a disqualification of such member, and he shall not be permitted to serve upon the board.

Sec. 3. Each member of the board before entering upon his duties as a member of the board, shall make out and file with the Secretary of State an affidavit that he is not and has not been directly or indirectly interested in, or connected with or employed by any publishing house, person, firm or corporation submitting any books for adoption or in any books offered for adoption, or in any books adopted, nor is he related to or connected in business with any person or agent representing such house, person, firm or corporation, and that he will not become so interested and will not accept any position as agent or representative of any person, firm, or corporation to whom any contract may be awarded by said board during the term and duration of said contract, and that he is not related to or connected in business with any person or agent representing such house, firm or corporation.

Sec. 4. The board hereby created is authorized and required to select and adopt a uniform system of text books to be used in the public free schools of Texas, and the books so selected and adopted shall be printed in the English language and shall include and be limited to text books on the following subjects: Spelling, a graded series of reading

books, a course in language lessons, English grammar, English composition, geography, arithmetic, mental arithmetic, physiology and hygiene, civil government, algebra, physical geography, history of the United States (in which the construction placed on the Federal Constitution by the fathers of the Confederacy shall be fairly represented), history of Texas, agriculture, a graded system of writing books, plane geometry, physics and general history, provided that the series of readers adopted by the board shall have a full page cut of the manual alphabet as used by the Texas School for the Deaf, provided, that none of said text books shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools as a branch of study, but the teaching of one or more of these languages shall not interfere with the use of the text books herein prescribed, and the study of a language known as a dead language, such as Latin or Greek, shall never be made compulsory as a requirement for the completion of any regular course of study in use in any public school in this State, without providing an equivalent course for graduation, equal in all other respects to such course containing such dead language or languages, which shall include the same; provided, however, that nothing herein shall be construed to prevent the use of supplementary books as hereinafter provided.

Sec. 5. The Text Book Board shall also select and adopt a set of supplementary reading books for the primary and intermediate grades, and each bidder presenting such reading books shall state at what price the readers are offered as supplementary readers. No supplementary books, however, shall be purchased and used to the exclusion of the books prescribed under the provisions of Section 4 of this Act, but full use must be made in good faith of the books selected by said Board under Section 4 before any of the supplementary books provided for in this section shall be required to be purchased and used; and no other supplementary readers shall be required to be purchased and used in the schools until the readers provided for in this

section shall be used in good faith.

Sec. 6. When books are to be selected and adopted under the provisions of this Act, the Governor shall for thirty days, by notices in the public press and by written notices mailed to all persons, firms or corporations, in whose behalf such notices may be requested in which notices the time and place of such selection shall be set out and thus advertise that sealed bids will be received at the time and place fixed in said notice and not later than November 1, 1912. Each bid shall state specifically at what price each book will be furnished, and shall be accompanied by specimen of copies of each book offered, and it shall be required that each bidder deposit with the Treasurer of the State of Texas such sum of money as the Board may require, to be not less than five hundred (\$500.00) dollars nor more than twenty-five hundred (\$2,500.00) dollars, according to the value of the books each bidder may propose to supply. Such deposits shall be forfeited to the State absolutely if such bidder so depositing shall fail to make and execute such contract and bond as are herein required within such time as the Board may require, which time shall be specified in the notice advertised.

Section 7. All bids submitted under Section 6 of this Act shall be sealed and deposited with the Governor of the State, to be delivered by him to the Board in session and for the purpose of considering the same, and shall be opened in the presence of the Board, provided that the Board shall not consider a bid of any publisher of school books who has failed to pay the tax due and payable the State of Texas under Chapter 148 of the Acts of the Twenty-ninth Legislature, and who has failed to make the affidavit required in Section 2 of this Act.

Sec. 8. It shall be the duty of the Board to meet at the time and place mentioned in the notice and there open and examine the sealed advertisement, and it shall then and proposals received, and it shall be the duty of the Board to make a full and complete investigation of all the books and bids accompanying the same. The text books shall be selected and adopted after a careful examination and consideration of all the books presented, and the books

selected and adopted shall be those which in the opinion of the Board are most acceptable for use in the schools, quality, mechanical construction, paper, print, price, authorship, literary merit, and other relevant matter being given such weight in making its decision as the Board may deem advisable. The Board shall proceed without delay to adopt for use in the public schools of this State text books on all the branches hereinbefore mentioned; provided, that if the bid submitted to said Board should not be satisfactory to said Board, they may postpone the selection of such books or a part thereof to such time as they may select, and after the same is re-advertised new bids may be received and acted on by such Board as provided for in this Act; provided that no text book shall be adopted until it has been read and carefully examined by at least a majority of the Board.

Sec. 9. The Board shall stipulate in the contract where a change shall be made from the books in use that the contractor or contractors shall take in exchange the respective books adopted by the State then in use in part payment for the new books, and all bidders under this Act shall specify what allowance they will make for the said respective books adopted by the State, and then in the hands of the patrons of the public schools, when offered in exchange for the new books adopted under this Act; provided, that said allowance and condition for the exchange of the old books shall be enforced only during the two scholastic years following a change in books, and no book shall be taken in exchange which was not in use in the public schools during the scholastic year next preceding such change, or which was not so purchased by book dealers for the session next preceding such exchange, and provided, that the State Text Book Board shall prescribe and promulgate the conditions of exchange, and upon failure to comply with such conditions by any contractor suit shall be instituted against such contractor in accordance with Section 26 of this Act, and that said conditions of exchange shall be made a part of each contract authorized under this Act.

Sec. 10. Every contract entered into with a publisher for the adoption of any book or books shall contain a provision that the Board of

Revision hereinafter provided for may, during the life of the contract, upon giving one year's previous notice to the publisher of such book or books, order such changes, amendments and additions to the book or books so selected and adopted as shall keep them up-to-date and abreast of the times; provided, that such revisions shall not be made oftener than once in two years.

Sec. 11. The bidder to whom any contract may have been awarded shall make and execute a good and sufficient bond payable to the State of Texas in the sum of not less than twenty thousand (\$20,000.00) dollars for each book adopted under the provisions of this Act, provided further that the Governor is hereby given authority to require bond in such further and additional sum as he may deem advisable, said bond to be approved by the Governor, such bond to be conditioned that the contractor shall faithfully perform all the conditions of the contract. The contract and bond shall be prepared by the Attorney General and shall be payable in Travis county, Texas, and be deposited in the office of the Secretary of State. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered, and the State Board of Education may at any time upon twenty days' notice require a new bond to be given, and in the event the contractor shall fail to furnish such new bond the contract of such contractor may at the option of the State Board of Education be forfeited.

Sec. 12. The Board shall not in any case contract with the publishers for any book or books to be used in the public schools of this State at a price in excess of the lowest price at which said publisher or publishers furnish or have offered to furnish and distribute the same book or books under contract with any other State, county, or school district in the United States, provided that in the event any such contract is made, it shall be the duty of the Attorney General to institute suit upon the bond herein above provided for, for a recovery on behalf of the State of the liquidated damages due under and as provided for in Section 26 of this Act, and proof of a violation of this provision in any particular shall be prima facie evidence of

liability in any such suit brought hereunder, and in case that any contractor who has a contract to furnish a book or books for the State under the provisions of this Act shall at any time during the period of this adoption contract with any other State, county or school district in the United States to furnish the same book or books at a lower price than that fixed in accordance with the provisions of this Act, under similar conditions of sale and distribution as may be decided by the State Board of Education, such lower price shall immediately be given to the State of Texas, and it shall be the duty of the Attorney General to bring suit on the bond of such contractor upon refusal to reduce such price.

Sec. 13. No book or books shall be purchased from any person, firm or corporation who is a member of or connected with any trust, and in the event it be established that this provision has been violated, such violation shall be held to be fraud and collusion as contemplated under Section 26 of this Act, and the Attorney General shall bring suit upon the bond of such person, firm or corporation and upon proof of such violation shall recover the liquidated damages provided for in said Section 26 hereof, as defined by the laws of this State, and a sworn affidavit that said person or corporation is not connected either directly or indirectly with a trust, shall be required and said affidavit shall be filed with said Board. Before proceeding to adopt books as provided for under the provisions of this Act, the Board shall require all persons, firms or corporations bidding for a contract to file with the Governor a sworn statement on or before the date selected by the Board for receiving sealed bids, stating whether said person, firm or corporation is interested or whether such person, firm or any member thereof or any individual stock holder of such corporation is interested or acting as a director, trustee or stockholder, either directly or indirectly or through a third party in any manner whatsoever, in any other publishing house, and this statement shall be sworn to by such person, a member of such firm or the president, secretary and each one of the directors of said corporation. All firms or persons bidding for a contract for supplying books shall present a

sworn statement signed by all its members showing the name of all members of said firm, and whether any other person, firm or corporation has any financial interest in said firm, and also whether any individual member or members of said firm have any financial interest in any other publisher, publishing firm or corporation of publishers; provided further, that the Board shall require all corporations, persons or firms to file with the Governor attested copies of all written agreements entered into and existing between them and others engaged in the publishing business, and if in the opinion of the Board such written agreements or other facts adduced are violations of the anti-trust law of the State of Texas, or opposed to public policy, the bids of such houses shall not be considered by the Board.

Sec. 14. It shall be a part of the terms and conditions of every contract made in pursuance of this Act that the State of Texas shall not be liable to any contractor thereunder for any sum whatever, but all such contractors shall receive compensation solely and exclusively from the proceeds of the sale of school books as provided in this Act.

Sec. 15. Each contract shall be duly signed by the publishing house or its authorized officers and agents, and if it is found to be in accordance with the award and all the provisions of this Act, and if the bond herein required is presented and duly approved, the Board shall approve said contract and order it to be signed on behalf of the State by the Governor in his capacity as chairman. All contracts shall be made in duplicate, one copy to remain in the custody of the Secretary of State and be copied in full in the minutes of the meeting of the Board in a well bound book, and the other copy to be delivered to the company or its agent.

Sec. 16. When any person has been awarded a contract and he has filed his bond and contract with the Board and the same has been approved, it shall make an order on the Treasurer of the State, reciting such fact, and thereupon the Treasurer shall return the deposit of such bidder to him; but if any successful bidder shall fail to make and execute the contract and bond as hereinbefore provided, the Treasurer shall place the deposit of such bidder in the State Treasury to

the credit of the available school fund, and the Board shall re-advertise for other bids to supply such books which the said bidder may have failed to supply. All unsuccessful bidders shall have their deposits returned to them by the State Treasurer as soon as the Board has decided not to accept their bids.

Sec. 17. As soon as the State shall have entered into the contract for the furnishing of books for use of the public schools of this State under the provisions of this Act, it shall be the duty of the Governor to issue his proclamation of such facts to the people of the State, and the State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted as furnished for examination to the Board, and such copies of such books shall be securely kept and the standard of quality and mechanical excellence so furnished under this Act shall be maintained in said books so furnished under contract authorized by this Act during the continuance of the contract.

Sec. 18. As soon as practicable after the adoption of the text-books provided for in this Act, the Superintendent of Public Instruction shall address a circular letter to the county superintendents and to the presidents of the school boards in independent school districts, which circular letters shall contain a list of all the books adopted, with their respective prices, together with such other information as he may deem advisable.

Sec. 19. All parties with whom the contracts have been made shall establish and maintain in some city in this State a depository where a stock of their goods to supply all immediate demands shall be kept; all contractors not maintaining their own individual or separate State agencies or depositories shall maintain a joint agency or depository to be located at some convenient and suitable distributing point, at which general depository each contractor joining in said agency shall keep on hand a sufficient stock of books to supply sub-depositories, and every contractor shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools as shown in the last preceding report of the county superintendent on file in the office of the State Superintendent of Public Instruction, one or

more agencies, one of which shall be at the county seat. At each county seat as above provided, and in every city in this State containing five hundred inhabitants or over shall be maintained an agency by each contractor carrying a sufficient stock of all books contracted for to supply all immediate demands; provided, that in all the counties not entitled to a depository under the conditions as provided for in this Act, contractors shall supply such adopted books under such rules and regulations as may be approved by the State Board of Education. Any person, dealer or school board in any county in the State may order from the central agency and the books so ordered shall be furnished at the same rate and discount as are granted to agents at the county seat; provided, that the price of books so ordered shall be paid in advance. Upon the failure of any contractor to furnish the books as provided in the contract and in this Act, the county judge in the county wherein such books have not been so furnished shall report the fact to the Attorney General, and he shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis county, and shall recover on the bond given by such contractor for the full value of the books not furnished as required, and in addition thereto the sum of one hundred (\$100.00) dollars and each day of failure to furnish the books shall constitute a separate offense, and the amounts so recovered shall be placed to the credit of the available school fund of the State. Any unorganized county shall be furnished from the same agency as the county to which said unorganized county is attached for judicial purposes in the same manner as such organized county.

Sec. 20. The contract price of each book shall be plainly printed on the back of each book, together with the following notice: "The price marked hereon is fixed by the State, and any deviation therefrom should be reported to the State Superintendent of Public Instruction." First two years of the contract for new books the exchange price of each book shall be printed thereon also.

Sec. 21. The books adopted by the board under the provisions of this Act shall be introduced and used as text-books to the exclusion of all others in public free schools of this

State for a period of six scholastic years, beginning September 1st, 1913, provided nothing in this Act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in the event that no contracts are made.

Sec. 22. The President of the College of Industrial Arts, the President of the University of Texas and the State Superintendent of Public Instruction shall constitute a board of revision for the entire time of the adoption authorized under the provisions of this Act, and may require such changes, amendments or additions to the book or books adopted as in their judgment will be for the best interest of the public schools of this State, and contracts for books under the provisions of this Act shall be made upon the distinct condition that the Board of Revision provided for in this section may, during the time for which books are adopted under this Act, upon giving one year's previous notice to the publishers thereof, order such changes, amendments and additions to the book or books so adopted as shall keep them up-to-date and abreast of the times; provided, that such changes and revisions shall not be made oftener than once in two years; provided, also, that if in the judgment of the board provided for in this section, such changes or revisions make it impracticable for the revised books to be used in the same class with the old books, the publishers shall be required to give the same exchange terms as were given when the books were first adopted, and such exchange period shall extend two years from the time the revised books are first put into use in the schools; provided that nothing in this section shall be construed so as to give such Board of Revision authority to abandon or substitute any book or books originally contracted for.

Sec. 23. Any school trustee who shall prevent or aid in preventing the use in any public school in this State of the books, or any of them, as adopted under the provisions of this Act, or any teacher in any public school in this State who shall wilfully fail or refuse to use the said books, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than five dollars nor more than fifty dollars for each offense, and each day

of such wilful failure or refusal by said teacher or wilful prevention of the use of the books by said trustee shall constitute a separate offense.

Sec. 24. No trustee or teacher shall ever receive any commission or rebate on any books used in the schools with which he is concerned as such trustee or teacher, and if any such trustee or teacher shall receive or accept any such commission or rebate he shall be guilty of a misdemeanor, and upon conviction he shall be fined not less than fifty (\$50.00) dollars and not more than one hundred (\$100.00) dollars.

Sec. 24a. Any person not the author or publisher or the bona fide permanent and regular employe of such publisher, who shall appear before such Text Book Board in behalf of any book submitted to the Text Book Board for adoption, or seek to influence the members thereof, or any author, publisher, bona fide permanent and regular employe of such publisher, who seeks to influence the said Text Book Board in the selection or adoption of any text-book by appealing to the members of said board separately, or at any other time than when the board is in regular session, or in any way violating Section 1 of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$500.00 nor more than \$1000.00, and shall be confined in the county jail for not less than thirty days and not more than ninety days.

Sec. 25. When the supplementary books other than those selected by the Text Book Board are used, they shall be furnished at prices fixed by the trustees of the school in which they are used and approved by the State Superintendent of Public Instruction, and if any teacher or trustee shall knowingly and directly or indirectly receive from any pupil a greater price therefor than the price fixed, he shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars.

Sec. 26. The State may, at its election, cancel any contract entered into by virtue of the provisions of this Act for fraud or collusion or material breach of contract upon the part of either party to the contract, or any member of the Board, or any

person, firm, corporation or their agents making said bond or contract, and for the cancellation of any such contract the Attorney General is hereby authorized to bring suit in the proper court in Travis county, and in case of the cancellation of any contract as provided for, the damages are fixed at not less than the amount of said bond, to be recovered as liquidated damages in the same suit canceling said contract; and on account of the difficulty of determining the damage that might accrue by reason of such fraud and cancellation of such contract, the full amount of the bond given by any contractor shall be considered as liquidated damages to be recovered out of said bond by the State at the suit of the Attorney General, and every contract shall contain a clause to this effect.

Sec. 27. Any person, firm or corporation with whom a contract has been entered into under the provisions of this Act shall designate the Secretary of State of Texas as its or their agent, upon whom citation and all other writs and processes may be served in the event any suit shall be brought against such person, firm or corporation.

Sec. 28. The teachers selected upon said Board under the provisions of this Act shall receive as compensation for their services the sum of five (\$5.00) dollars per day each while on active duty and actual traveling expenses in going to and returning from the place of meeting, to be paid upon warrants drawn by the Comptroller under the direction and approval of the Governor, and the sum of three thousand five hundred (\$3500.00) dollars, or so much thereof as may be necessary is hereby appropriated out of the general revenue of this State, not otherwise appropriated, for the purpose of paying the same and the cost and expense of putting into effect the provisions of this Act; provided, that the Superintendent of Public Instruction be and is hereby authorized to employ one stenographer to assist in the clerical work of the State Text Book Board, the pay of said stenographer to be paid out of the appropriation herein made.

Sec. 29. The fact that the present contract with publishers for furnishing text-books in this State will expire before the next Legislature

can provide for a board for making new contracts and give time to the publishers who furnish the books, and the fact that frequent changes in text-books is an unnecessary burden upon the people of this State, and that some method should be adopted to prevent useless expenditure for books and at the same time keep the books used in the public schools of this state up to date, create an emergency and an imperative public necessity requiring the rule which requires that the constitutional rule requiring that all bills shall be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SIMPLE RESOLUTION.

By Senator Cofer.

Senator Cofer here offered a simple resolution and the same was read and laid on the table subject to call. See the resolution in full in later proceedings of today.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 44, A bill to be entitled "An Act to incorporate the city of Mineral Wells, in the county of Palo Pinto, Texas, to grant it a special charter, and to fix its boundaries, to repeal all laws in conflict herewith, and declaring an emergency."

Senate bill No. 21, A bill to be entitled "An Act creating the Lakeview Independent School District in Hall county, Texas; providing for a board of trustees, etc., and declaring an emergency."

House bill No. 55, A bill to be entitled "An Act to authorize and empower Navarro county or any political subdivision of said county, by a vote of two-thirds majority of the resident property tax payers, qualified voters of such county or political subdivision voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision and

to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and providing a penalty for the violating of the provisions hereof," with engrossed rider.

House bill No. 76, A bill to be entitled "An Act to amend subdivision 8, of Section 1, of Chapter 120, of the Acts of the Regular Session of the Thirty-second Legislature, dividing the State into Supreme Judicial Districts, and organizing Courts of Civil Appeals therein, and prescribing the boundaries of such districts so as to include Culberson county in the list of counties composing the Eighth Supreme Judicial District, as defined in said Chapter 120, repealing all laws in conflict herewith, and declaring an emergency."

Senate bill No. 40, A bill to be entitled "An Act to amend the charter of the city of Longview, entitled an Act to incorporate the city of Longview, and to grant it a new charter, to define its powers and to prescribe its duties, etc., and to declare an emergency."

Senate bill No. 49, A bill to be entitled "An Act to increase the authority of the commissioners court of Tarrant county, Texas, and of the commissioners of said county; to require said commissioners to devote their entire time to the affairs of said county; to provide for a road engineer of said county, at the option of the commissioners court, and fixing his salary and defining his duties; to fix the salary for the members of said court, and declaring an emergency."

Senate bill No. 43, A bill to be entitled "An Act to amend Section 71f of the Charter of the City of Galveston, authorizing the board of commissioners of the city of Galveston to issue the bonds of said city of Galveston to the amount of one hundred and twenty-five thousand dollars, payable not more than fifty years after date, and bearing interest payable semi-annually at a rate of not to exceed five per cent per annum; said bonds not to be sold or otherwise disposed of at less than par and their proceeds to be used and ex-

pended exclusively for raising and filling to grade the avenues, streets, sidewalks, alleys, lots and blocks in said city of Galveston, situated between Thirty-third street and Forty-fifth street and Broadway and Avenue H, so as to provide for the application of any balance remaining from the proceeds of the sale of said bonds heretofore or hereafter made after the performance of said work, and to require the expenditure of such balance in filling and raising to grade the avenues, streets, sidewalks, alleys, lots and blocks in said city of Galveston, situated between Thirty-third street and Forty-fifth street and Avenue H and Postoffice street."

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower Wichita county or any political subdivision of said county, by a vote of a two-thirds majority of the resident property tax payers, qualified thereof, voting therefor, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graded or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Senate bill No. 64, A bill to be entitled "An Act to amend the charter of the city of Temple, in Bell county, Texas, passed by the Thirtieth Legislature, and which became a law March 27, 1907, by adding the following paragraphs to Section 11, Article 2, of said charter, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Also adopted the Free Conference Committee report on Senate bill No. 11.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

House bill No. 44, referred to Committee on Towns and City Corporations.

House bill No. 55, referred to Committee on Roads, Bridges and Ferries.

House bill No. 76, referred to Committee on Judicial Districts.

HOUSE BILL NO. 44.

Senator Bryan called up, by unanimous consent, House bill No. 44, received from the House this morning, and,

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 44 put on its second reading by the following vote:

Yeas—26.

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Murray.
Hudspeth.	Terrell, McLennan.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Astin. Terrell, Wise.

Absent—Excused.

McNealus. Willacy.
Ratliff.

On motion of Senator Bryan, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate or second reading.

House bill No. 44, An Act to incorporate the city of Mineral Wells, Texas.

Bill read second time, and passed to a third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to

be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Astin. Murray.
Hume. Terrell, Wise.

Absent—Excused.

McNealus. Willacy.
Ratliff.

The bill was read third time and passed by the following vote:

Yeas—25.

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Astin. Terrell, Wise.
Murray.

Absent—Excused.

McNealus. Willacy.
Ratliff.

Senator Bryan moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 65.

Senator Collins called up by unanimous consent, and the Chair laid before the Senate on second reading.

Senate bill No. 65, A bill to be entitled "An Act to amend an Act entitled 'An Act to incorporate the city of Port Arthur, Jefferson county, Texas, and to grant it a new charter; to provide for a commission form of government; to define its powers and prescribe its duties and liabilities; to declare an emergency, and to repeal all acts in conflict herewith,' passed by the 'Thirty-second Legislature of the State of Texas at its Regular Session, by amending Sections 4 and 5 of Chapter 5 of Article 2 of said Act, relating to the election of commissioners for said city; and by amending Section 12 of Chapter 9 of Article 3 of said Act relating to the powers of said city as a drainage district under the name of "Port Arthur Drainage District of Jefferson county, Texas," and validating certain proceedings had and drainage bonds voted and authorized; and by amending Article 4 of said Act, by adding thereto Chapter —, consisting of Sections 1 to 30, inclusive, relating to street and sidewalk improvements, and validating certain proceedings had and street improvement bonds voted and authorized; and declaring an emergency."

The committee report was adopted. Bill read second time and ordered engrossed.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Astin.

Absent—Excused.

McNealus. Willacy.
Ratliff.

The bill was read third time and passed by the following vote:

Yeas—26.

Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Adams. Astin.

Absent—Excused.

McNealus. Willacy.
Ratliff.

Senator Collins moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 57.

Senator Murray called up, by unanimous consent, and the Chair laid before the Senate on second reading.

House bill No. 57, A bill to be entitled 'An Act to amend Chapter 79, Special Laws of the Regular Session of the Thirty-first Legislature, entitled "An Act creating the Jourdan-ton Independent School District, in Atascosa county, Texas, and defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, investing the said district with all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only, and declaring an emergency,' so as to authorize said Jourdan-ton Independent School District to levy, assess and collect taxes for the year 1911, and declaring an emergency."

The committee report was adopted. Senator Murray offered the following amendment, which was read and adopted:

Amend House bill No. 57 by striking out "1754" in Section 2, fourth and second lines, from the bottom of page 2, and insert in lieu of each, "1764."

Senator Murray offered the following amendment, which was read and adopted:

Amend House bill No. 57 by adding between the words "1188" and thence in Section 2, line 21, of page 2, the following:

"Thence in a southwest direction with the west line of the Edward Estes Survey No. 1188 and the east lines of the I. & G. N. R. R. Co. Survey No. 1153, and the J. P. Gorman Survey No. 1189 to the S. W. corner of the Edward Estes Survey No. 1188 and the S. E. corner of the J. P. Gorman Survey No. 1189."

Senator Murray offered the following amendment, which was read and adopted:

Amend House bill No. 57 by adding the word "thence" before the word "in," and after the word "corner," followed by a semicolon, in Section 2, page 2, line 11.

Bill read second time and passed to a third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Astin.

Absent—Excused.

McNealus.	Terrell, McLennan.
Ratliff.	Willacy.

The bill was read third time and passed by the following vote:

Yeas—26.

Adams.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Astin.	Bryan.
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Absent—Excused.

McNealus.	Willacy.
Ratliff.	

Senator Murray moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 34.

Senator Ward called up by unanimous consent, and the Chair laid before the Senate on second reading,

House bill No. 34, A bill to be entitled "An Act to create an additional criminal district court for the county of Dallas, and to prescribe the jurisdiction thereof, to fix the time for holding the terms thereof, to provide for the appointment and election of a judge thereof, and to provide for a sheriff, a clerk and attorney thereof, to limit and conform thereto jurisdiction of the criminal district court of Dallas, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Aug. 26, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 20, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, providing for two additional districts to the number now provided for, repealing all laws and parts of laws in conflict herewith, and declaring an emergency," with engrossed rider.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Watson:

Senate bill No. 70, A bill to be entitled "An Act to increase the limits of the Bremond Independent School District and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Perkins:

Senate bill No. 71, A bill to be entitled "An Act to incorporate the city of McKinney, Texas, and to grant it a new charter; to define its powers and to prescribe its duties and liabilities, and to declare an emergency."

Read first time and referred to Committee on Towns and City Corporations.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 20, referred to Committee on Congressional Districts.

HOUSE BILL NO. 34.

Action recurred on the pending business, House bill No. 34:

Bill read second time, and passed to a third reading by the following vote:

Yeas—13.

Adams.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—12.

Bryan.	Collins.
Carter.	Greer.
Cofer.	Johnson.

Lattimore.
Mayfield.
Sturgeon.

Terrell, Wise.
Townsend.
Vaughan.

Absent—Excused.

McNealus.
Ratliff.

Terrell, McLennan.
Willacy.

PAIRED.

Senator Warren (present), who would vote "nay," with Senator Astin (absent), who would vote "yea."

SENATE BILL NO. 57.

Senator Meachum called up, by unanimous consent, and the Chair laid before the Senate, on second reading,

Senate bill No. 57, A bill to be entitled "An Act to amend Section 9, Chapter 30 of the General Laws of the State of Texas, passed by the Thirty-first Legislature (1909) at the Regular Session, approved April 21, 1909, relating to the Texas State Board of Health, Vital Statistics, and to add to said chapter Section 10a, establishing charbon districts; providing that persons residing therein shall report all animals suffering with charbon or supposed to have such disease to the county health officer, who shall report same to the State Board of Health, and providing for practicing physicians to report all persons suffering with said disease; and providing for the employment of a chemist and bacteriologist where charbon is prevalent, for the purpose of combating with said disease; and providing for the State Board of Health or one who is under them to visit all stock reported to have charbon; and providing for the isolation of same and for the isolation of all stock exposed to said disease and authority to destroy infected stock and providing for the destruction of the carcasses of stock dying from charbon or supposed to have died from same, and prohibiting certain stock from running at large between the first day of May and the first day of October in any county where charbon is prevalent or where same may become prevalent; and providing for the prohibiting of such stock in counties and subdivisions thereof where charbon is prevalent, or where same may become prevalent, from running at large in such counties or subdivisions thereof, to be

determined by election by the qualified voters of such counties, providing the manner for holding such elections regulating the terms and conditions thereof, and the carrying into effect of such elections so to be held; and providing adequate penalties for enforcing such law, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read, and,

Senator Collins offered the following amendment, which was read and adopted:

Amend the caption as follows: Strike out after the word "same," in line 22, page 1, down to and including the word "prevalent," in line 25, page 1, and insert the following, "and providing that the county health officer may, in districts affected by charbon, issue a proclamation requiring certain stock to be placed in an enclosure."

Senator Collins offered the following amendment which was read and adopted:

Amend the bill as follows: In line 19, page 2, by inserting in the blank space after the word "chapter" the figures "30."

Senator Collins offered the following amendment which was read and adopted.

Amend the bill as follows: In line 22, page 2, by inserting in the blank space after the word "section" by adding "10a," and by adding the letter "A" after the figures "10."

Senator Collins offered the following amendment, which was read and adopted.

Amend the bill as follows: By inserting after the word "hogs," in line 15, page 5, the following: "or either or any of such classes of animals."

Senator Collins offered the following amendment which was read and adopted.

Amend the bill as follows: By inserting after the word "year," in line 22, page 5, the following: "And stating the kinds or classes of animals to be voted upon."

Senator Collins offered the following amendment, which was read and adopted:

Amend the bill as follows, by inserting between lines 6 and 7, on page 6, "Or, if the election is only on certain classes of animals above named the ballot shall be as above, except it shall state the kinds or classes of animals to be effected."

Senator Collins offered the following amendment, which was read and adopted:

Amend the bill as follows, by striking out the words, as hereinbefore named in line 15, page 6, and inserting in lieu thereof, the following, "as named in the ballot of such election."

Senator Collins offered the following amendment, which was read and adopted:

Amend the bill as follows, by striking out all of Section 6, after the word "off," in line 29, page 4.

Senator Collins offered the following amendment, which was read and adopted:

Amend the bill as follows, at the end of Section 3, page 3, strike out period and add comma, and the following, "provided, the provisions of this section shall not supercede the authority hereinafter granted to the county health officer, but shall be supplementary of same."

Bill read second time, and ordered engrossed.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Astin.	Hudspeth.
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Absent—Excused.

McNealus.	Willacy.
Ratliff.	

The bill was read third time and passed by the following vote:

Yeas—27.

Adams.	Cofer.
Bryan.	Collins.
Carter.	Greer.

Hudepeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
Meachum.	Ward.
Murray.	Warren.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	

Absent.

Astin.

Absent—Excused.

McNealus.

Willacy.

Ratliff.

Senator Collins moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House does not concur in Senate amendments to House bill No. 5, and request the appointment of a Conference Committee. The following has been appointed on part of the House, Messrs. Pharr, Kennedy, Rowell, Hill and Tarver.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 5—FREE CONFERENCE COMMITTEE ON.

Senator Ward offered the following motion:

I move that the following Senators be elected by the Senate on Free Conference Committee on House bill No. 5.

Sturgeon, Vaughan, Carter, Hudspeth, Weinert.

Senator Hudspeth moved the previous question on the above motion, which motion being duly seconded, was so ordered by the following vote:

Yeas—14.

Adams.
Carter.
Hudspeth.

Hume.
Kauffman.
Meachum.

Murray.	Terrell, McLennan.
Paulus.	Ward.
Perkins.	Watson.
Real.	Weinert.

Nays—10.

Bryan.	Mayfield.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.

Absent—Excused.

McNealus.

PAIRED.

Senator Greer (present), who would vote "nay" with Senator Willacy (absent), who would vote "yea."

Senator Peeler (present), who would vote "yea" with Senator Ratliff (absent), who would vote "nay."

Senator Warren (present), who would vote "nay" with Senator Astin (absent), who would vote "yea."

The above motion was adopted by the following vote:

Yeas—14.

Adams.	Paulus.
Carter.	Perkins.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Nays—10.

Bryan.	Mayfield.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.

Absent—Excused.

McNealus.

PAIRED.

Senator Warren (present), who would vote "nay" with Senator Astin (absent), who would vote "yea."

Senator Peeler (present), who would vote "yea" with Senator Ratliff (absent), who would vote "nay."

Senator Greer (present), who would vote "nay" with Senator Willacy (absent), who would vote "yea."

SIMPLE RESOLUTION.

Action here recurred on the following resolution, introduced today by Senator Cofer, and which was on the table subject to call:

Resolved, By the Senate, that the simple resolution by Senators Hudspeth and Watson heretofore on the 5th day of August, 1911, referred to the Committee on Commerce and Manufacturers be now recalled from the committee room and placed before the Senate upon its passage and that said resolution be now adopted in the language as introduced as follows:

Whereas, The Hon. Joseph Weldon Bailey has at all times stood out valiantly and fearlessly for the doctrine of a tariff for revenue only, and an equitable distribution of said tariff; therefore, be it

Resolved, That we heartily endorse the position of the said Senator Jos. W. Bailey in the untiring and never ceasing fight that he has made to have said tariff equal upon the producer of the raw material with that levied upon the manufactured article.

COFER,
TERRELL of Wise,
STURGEON.
LATTIMORE,
RATLIFF,
WARD,
WARREN,
BRYAN,
PERKINS.

Senator Mayfield offered the following amendment to the resolution:

Amend the resolution, by adding the following, "We also endorse Senator Bailey's choice for Governor of the State of Texas as between Governor Colquitt and the Hon. Thos. H. Ball, when the Junior Senator expressed his choice for Col. Ball but said Governor Colquitt was entitled to a second term. We also endorse Senator Bailey's statement that he is against the 'open saloon,' which statement appeared in the press a few days after the Senator's choice for Governor was made public."

Senator Sturgeon called for a division of the question of the amendment to the resolution.

Senator Cofer made the point of order that the amendment was not germane to the resolution.

The Chair (Lieutenant Governor Davidson) overruled the point of order.

Pending discussion, Senator Real moved to table both the resolution and the amendment.

There was discussion on the above motion on account of several points of order being made but as none of them were considered they are not recorded.

The motion to table the resolution and the amendment prevailed by a viva voce vote and after the Chair declared the motion carried the yeas and nays were called for, but the Chair sustained a point of order that the demand came too late.

Pending the regular morning call, the call for "Standing Committee Reports" had been passed and Senator Hudspeth asked unanimous consent to offer a committee report, but Senator Cofer objected. Senator Hudspeth attempted several times to offer the committee report by unanimous consent and each time objection was raised.

SIMPLE RESOLUTION.

By Senator Vaughan:

Resolved, That the expenses of the Senate Investigating Committee or any member thereof, or of any subcommittee and members thereof, in conducting the investigation and securing the additional information required by this resolution and in procuring the attendance of witnesses and paying therefor, and the service of process and paying therefor, and all other expenses necessarily incurred in conducting the investigation herein provided for, shall be paid out of the contingent expense fund of the Senate upon warrant issued by the Comptroller upon the State Treasury, upon the filing of itemized sworn accounts by the claimants approved by said committee.

That the simple resolution by Senator Vaughan, et al., adopted on August the third, 1911, and the simple resolution by Cofer, adopted on August the eleventh, 1911, in so far as said resolutions are in conflict with this resolution, be amended so as to conform to this resolution, and that the payment of the expenses of said committee and all witnesses for attendance upon the same, shall be paid as provided in this resolution and not as provided in the resolutions referred to.

The above resolution was read and adopted by the following vote:

Yeas—14.

Bryan.	Mayfield.
Carter.	Perkins.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.

Nays—10.

Adams.	Murray.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Watson.
Meachum.	Weinert.

Absent.

Paulus.	Ward.
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Absent—Excused.

McNealus.	Willacy.
Ratliff.	

PAIRED.

Senator Warren (present), who would vote "yea," with Senator Astin (absent), who would vote "nay."

HOUSE BILL NO. 5—CONFERENCE COMMITTEE ON.

Senator Lattimore offered the following motion in writing:

The House having refused to concur in Senate amendments to House bill No. 5, and having requested a conference committee, I move that the following be appointed as such conference committee:

Carter, Vaughan, Sturgeon, Weinert, Hudspeth.

LATTIMORE.

The above motion was read and adopted.

SIMPLE RESOLUTION.

By Senator Peeler:

Whereas, Senator McNealus is ill in the city of Austin and has no one to look after and wait on him; therefore, be it

Resolved, That the President of the Senate appoint a nurse and one of the Senate porters to wait on him.

PEELER,
MAYFIELD,
WARD,
COFER,
TERRELL of Wise.

The above resolution was read and adopted.

ADJOURNMENT.

At 12:25 o'clock, p. m., Senator Carter moved that the Senate recess until 2 o'clock today.

Senator Hudspeth moved, as a substitute, that the Senate adjourn until 2:30 o'clock today.

Action recurred on the motion to adjourn until 2:30 o'clock today, which motion prevailed by the following vote:

Yeas—16.

Adams.	Peeler.
Carter.	Perkins.
Hudspeth.	Real.
Hume.	Sturgeon.
Kauffman.	Terrell, McLennan.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Nays—9.

Bryan.	Lattimore.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	

Absent.

Paulus.

Absent—Excused.

McNealus.	Willacy.
Ratliff.	

PAIRED.

Senator Warren (present), who would vote "nay," with Senator Astin (absent), who would vote "yea."

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 24, A bill to be entitled "An Act regulating the sale of concentrated commercial feeding stuffs and the materials from which they are manufactured; defining concentrated feeding stuffs, prohibiting their adulteration, providing for their correct weighing and marking, for the collection of samples,

and providing that the inspection tax and penalties collected under this Act shall be used by the Dairy and Food Commissioner in the enforcement of this Act, and by the Agricultural and Mechanical College of this State, and fixing penalties for the violation of this Act; repealing Chapter 10 and 118, Acts of the Twenty-ninth Legislature, Chapter 131 of the Thirtieth Legislature, Chapter 12 of the Second Called Session of the Thirty-first Legislature, and Chapter 4, Acts of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

REAL, Chairman.

(Floor Report.)

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 71, A bill to be entitled "An Act to incorporate the city of McKinney, Texas, and to grant it a new charter; to define its powers and to prescribe its duties and liabilities, and to declare an emergency."

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Meachum, Chairman; Perkins, Hume, Vaughan, Lattimore, Terrell of McLennan, Peeler, Kauffman, Hudspeth.

(Floor Report.)

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 55, A bill to be entitled "An Act to authorize and empower Navarro county or any political subdivision of said county by a vote of two-thirds majority of the qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not to exceed one-fourth

of the assessed valuation of the real property of such county or of such political subdivision and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work, and providing a penalty for the violation of the provision hereof, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Weinert, Paulus, Perkins, Johnson, Sturgeon.

(Floor Report.)

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 70, A bill to be entitled "An Act to increase the limits of the Bremond Independent School District, and creating an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Perkins, Chairman; Watson, Ward, Real, Warren, Paulus, Collins.

(Floor Report.)

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 81, A bill to be entitled "An Act to create a more efficient road system for Madison county, Texas, and making the commissioners of said county ex officio road commissioners in their respective precincts, and providing for and fixing their compensation as such road commissioners; defining the powers and duties of the commissioners court with reference to roads and bridges; providing for the appointment of road overseers and de-

fining their duties and providing for and fixing their compensation for certain labor; providing penalties for the violation of this Act, etc."

Have had same under consideration and we are instructed to report same back with the recommendation that it do pass, and be not printed.

Greer, Chairman; Weinert, Perkins, Johnson, Kauffman, Paulus.

(Floor Report.)

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 44, A bill to be entitled "An Act to incorporate the city of Mineral Wells, in the county of Palo Pinto, Texas, to grant it a special charter, and to fix its boundaries, to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Meachum, Chairman; Hudspeth, Perkins, Kauffman, Terrell of McLennan, Collins, Peeler, Vaughan, Lattimore.

Committee Room,

Austin, Texas, Aug. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 58, A bill to be entitled "An Act to authorize and empower Robertson county or any political subdivision of said county by a vote of a majority of the resident property tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision of such county, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and

means of conducting and supervising said work.

And find it correctly engrossed.
COFER, Chairman.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Texas,

Saturday, Aug. 26, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
Murray.	Warren.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	

Absent.

Adams.	Hume.
Astin.	Kauffman.
Bryan.	Meachum.
Hudspeth.	

Absent—Excused.

McNealus.	Willacy.
Ratliff.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield, the same was dispensed with.

SENATE BILL NO. 71.

Senator Perkins called up, by unanimous consent, and the Chair laid before the Senate on second reading,

Senate bill No. 71, "An Act to incorporate the city of McKinney, Collin county, and to grant it a new charter, etc."

Bill read second time, and ordered engrossed.

On motion of Senator Perkins, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote: